

**SIXTEENTH CIRCUIT JUDICIAL COMMISSION  
JACKSON COUNTY, MISSOURI  
APPLICATION FOR CIRCUIT JUDGE**

***PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF  
THE APPLICANT IS SELECTED AS ONE OF THE NOMINEES FOR THE VACANCY.***

1. State your full name.

Scott Randall Manuel



2. State your date and location of birth.

August 6, 1959      Berkeley, California

3. State your present occupation, place of work, and job title.

Probate Commissioner, Division 19, Circuit Court of Jackson County, Missouri

4. Provide the following information concerning your eligibility for the office of Circuit Judge:

(a) Are you at least twenty-five years of age?      Yes

(b) Are you licensed to practice law in Missouri?      Yes

(c) Are you a citizen of the United States?      Yes

(d) Are you a resident of Jackson County?      Yes

5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court.

I am able to perform the essential functions of a Circuit Judge without any accommodation.

6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.

I was admitted to the Missouri Bar on April 25, 1989, and have always been in good standing.

7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

I was admitted to the California Bar on December 10, 1985. My California Bar membership has always been in good standing and is currently inactive.

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

- (a) Name and location of institution

Graceland College (now Graceland University), Lamoni, Iowa

- (b) Dates attended and degrees received

August 1977 -- May 1981 Bachelor of Arts Economics and Business Administration

- (c) Significant activities, achievements, honors, and awards

Cum Laude, numerous Dean's Lists, Chief Magistrate -- Student Disciplinary Court

9. Provide the following information for all law schools you have attended:

- (a) Name and location of law school

Golden Gate University School of Law, San Francisco, California

- (b) Dates attended and degrees received

Fall 1981 -- Spring 1984 Juris Doctorate

- (c) Significant activities, achievements, honors, and awards

Dean's List

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.

I have never been suspended or expelled as a student from any school or educational institution.

11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

**November 2014 -- Present:** Probate Commissioner, Jackson County Circuit Court.

**January 2014 -- November 2014:** Deputy Probate Commissioner, Jackson County Circuit Court. Appointed Probate Commissioner.

**January 1990 -- December 2013:** Shareholder/attorney, Humphrey, Farrington & McClain, P.C., Independence, Missouri. Appointed Deputy Probate Commissioner.

**May 1989 -- December 1989:** Solo practitioner, Law Office of Scott R. Manuel, Lafayette, California. Relocated to Independence, Missouri

**May 1987 -- May 1989:** Associate attorney, Gorelick & Gorelick, Alamo, California. Left position to start solo practice.

**August 1984 -- May 1987:** Law clerk/associate attorney upon admission to California Bar, Vogeley Law Office, Corte Madera, California. Left for better position.

**June 1983 -- August 1983:** Summer intern with the General Counsel of the Reorganized Church of Jesus Christ of Latter Day Saints (now Community of Christ), Independence, Missouri. Internship ended.

**June 1981 -- August 1981:** Lifeguard/kitchen worker, Happy Valley Conference Grounds, Santa Cruz, California. Summer job.

**June 1980 -- August 1980:** Lifeguard/kitchen worker, Happy Valley Conference Grounds, Santa Cruz, California. Summer job.

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

I have practiced law continuously for 28 years until my appointment as Deputy Probate Commissioner in January 2014. Prior to relocating to Independence, Missouri in

1990, my practice focused primarily on estate planning, probate administration and probate litigation. I also worked on business litigation and real estate matters. In 1990, I joined Humphrey, Farrington & McClain, P.C. in Independence, Missouri and practiced there until my appointment as Deputy Probate Commissioner. From 1990 to 1996, I practiced in the firm's litigation department and worked on complex asbestos property damage cases representing commercial building owners, shopping malls and school districts. From 1996, my practice focused on estate planning, guardianships, probate and trust administration, and all types of probate, trust and guardianship/conservatorship litigation. Beginning in 1998, I began representing alleged disabled Respondents as court appointed counsel in guardianships and conservatorships. I also received numerous ad litem appointments in various probate and guardianship/conservatorship matters.

I have practiced extensively in probate, trust and guardianship law in the Probate Division of the Circuit Court of Jackson County and other probate courts throughout the state. Both Judge Forsyth and her predecessor, the Honorable John A. Borron, Jr., were familiar with my legal work. They routinely appointed me as court appointed counsel for disabled Respondents in guardianship/conservatorship proceedings, and selected me for numerous ad litem appointments. These appointments were the result of Judge Forsyth's and Judge Borron's recognition of the quality of my legal work. Finally, Judge Forsyth appointed me Deputy Probate Commissioner based on my years of experience and the quality of my legal work. These appointments are the result of the quality of my legal work.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

**Estate of Ballard**, Estate No. PR95-37377-01, Probate Division Circuit Court of Jackson County. Represented Petitioner in discovery of assets petition. Interlocutory default judgment entered against Respondents. **Jury trial** on issue of damages. Verdict for the estate and against Respondents. Judgment on verdict entered March 26, 1997.

**In re Heather Zimmerman**, Case No. 08P8-PR00619, Probate Division Circuit Court of Jackson County. Represented Petitioner in petition seeking guardianship and conservatorship of Respondent Zimmerman. **Three day jury trial**. Verdict for Petitioner and against Respondent Zimmerman. Judgment of incapacity and disability entered December 10, 2008.

**Estate of Hink**, Estate No. PR97-392325, Probate Division Circuit Court of Jackson County. 01 subcase Randall v. Byam, personal representative of Hink Estate, PR97-392325-01. Represented Respondent personal representative in claim against estate by Petitioner Randall for payment of legal services allegedly rendered decedent by Petitioner. Separate civil action filed by Petitioner Randall against decedent's trust for payment of same legal services -- Randall v. Byam, Trustee of Frances Hink Trust, Case

No. 98CV-2386, Circuit Court of Jackson County. Represented Defendant Trustee in civil action. Civil action and probate claim consolidated for hearing in Probate Division. Bench trial. Judgment entered for Respondent/Defendant trustee and against Petitioner/Plaintiff Randall in both cases on December 2, 1998.

**Estate of Gribble**, Estate No. 16PRI41686, Probate Division Circuit Court of Jackson County. 01 subcase, Field, et al v. Gribble, et al, No. 16PRI41686-01. Represented Petitioners in discovery of assets petition and objections to resigned Respondent personal representative's final settlement. Two day bench trial. Judgment entered on June 19, 2003 for Petitioners and against Respondent Gribble. Judgment appealed by Respondent Gribble. Gribble v. Field et al, WD63131, Missouri Court of Appeals Western District. Matter settled on appeal. Remanded to trial court for entry of judgment approving settlement on November 20, 2003. Trial court's judgment approving settlement entered December 12, 2003.

**Estate of Hauschildt**, Estate No. 10HE-PR00090, Probate Division Circuit Court of Henry County. Represented Petitioner in discovery of assets petition. Matter settled. Petition dismissed March 28, 2012 pursuant to settlement.

**In re Henson**, minors, Case Nos. 12P9-PR00049 and 12P9-PR00048, Probate Division Circuit Court of Jackson County. Represented Petitioner seeking guardianship of two sibling minors. Petitions consolidated for hearing. Bench trial. Judgment appointing Petitioner guardian of both minors entered April 22, 2013.

**In re Shiley McLaughlin**, Case No. 13P9-PR00221, Probate Division Circuit Court of Jackson County. Adult guardianship/conservatorship. Represented Co-Petitioners in petition for guardianship/conservatorship. Bench trial. Judgment appointing Co-Petitioners Co-Guardians/Co-Conservators entered April 22, 2013.

**In re Roy Wild**, Case No. 13P9-PR00279, Probate Division Circuit Court of Jackson County. Adult guardianship/conservatorship. Represented Petitioner in petition for guardianship/conservatorship. Bench trial. Judgment appointing Petitioner guardian/conservator entered June 10, 2013.

**In re Randy Wilson**, Case No. 13P9-PR00510, Probate Division Circuit Court of Jackson County. Adult guardianship/conservatorship. Represented Petitioner in petition for guardianship/conservatorship. Bench trial. Judgment appointing Petitioner guardian/conservator entered June 25, 2013.

**Paul et al v. American Century Mutual Funds, Inc., et al**, Case No. 13P9-PR00272, Probate Division Circuit Court of Jackson County. Represented Petitioners in petition to terminate irrevocable trust. Judgment terminating trust entered July 26, 2013.

**In re Jane Hader**, Case No. 13LF-PR00131, Probate Division Circuit Court of Lafayette

County. Adult guardianship. Represented base Petitioner in petition for appointment of guardian/conservator. Competing petition filed. Agreement reached with competing petitioner. Competing petition dismissed. Hearing. Judgment of partial incapacity and total disability and appointing Lafayette County Public Administrator Limited Guardian and Total Conservator entered December 11, 2013.

**Court appointments.** I have been appointed by the Probate Division of the Circuit Court of Jackson County to represent allegedly disabled and incapacitated Respondents in hundreds of adult guardianship/conservatorship petitions. These court appointments began in 1998 and continued uninterrupted until my appointment as Deputy Probate Commissioner in January 2014.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

**Taylor v. Taylor**, WD58795, Missouri Court of Appeals Western District. Represented Appellant. Appeal from judgment of Probate Division Clay County Circuit Court dismissing Appellant's objections to final settlement of deceased protectee's conservatorship estate. Opinion dated June 5, 2001 - trial court's judgment reversed and remanded. Opinion published 47 S.W.3d 377.

15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed.

As Deputy Probate Commissioner and currently as Probate Commissioner, I handle hundreds of estate and guardianship/conservatorship administration matters on a weekly basis. I also hear weekly probate, guardianship/conservatorship and mental health dockets. The Probate Division currently has six hearing dockets, four in Kansas City and two in Independence. I hear three of these dockets and the Deputy Probate Commissioner hears the other three. In addition, I also hear specially set, contested adult and minor guardianship/conservatorship matters and contested probate matters.

In my courtroom I see people in the midst of extreme, personal distress: the pro se parent in a contested minor guardianship, and the mentally ill Respondent in an involuntary civil commitment proceeding who is unable, due to their illness, to restrain themselves in the courtroom. For the pro se parent, I must balance the need to conduct the hearing in conformance with the rules of evidence and the need to insure the pro se parent's full participation in the hearing. For the unruly, actively psychotic Respondent, I must insure the Respondent's right to participate in the hearing while maintaining order. In dealing with these difficult situations, I have learned to be patient, calm and compassionate in the courtroom, and that I must see these difficult litigants as people and treat them with respect.

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition.

**In re Johnna Hobbs**, Case No. 15P9-PR00412. Contested adult guardianship. Bench trial. Judgment of Partial Incapacity and Total Disability entered March 21, 2016.

**In re Christopher Debarros-Shaffer**, Case No. 14P9-PR00493-01 and **In re Matthew Debarros-Shaffer**, Case No. 14P9-PR00494-01. Contested minor guardianship for two siblings. Petitions consolidated for hearing. Bench trial. Judgment appointing Petitioners Co-Guardians for both minors entered February 29, 2016.

**In re Natalia Caballero-Yates**, Case No. 14P9-PR01002-01. Contested minor guardianship. Bench trial. Judgment appointing Petitioner guardian entered December 4, 2015.

**In re Martin Ward**, Case No. 14P8-PR00905 and 14P8-PR00905-01. Contested adult guardianship -- competing petitions. Bench trial. Competing Petitioners reached settlement on second day of trial. Judgment appointing base Petitioner guardian entered September 29, 2015.

**In re Ollie Johnson**, Case No. 14P8-PR00722 and 14P8-PR00722-01. Contested adult guardianship -- competing petitions. Bench trial. Judgment appointing 01 Petitioner guardian entered September 17, 2015.

**In re Takoha Pratt**, Case No. 11P9-PR00888-02. Contested minor guardianship -- Petition to Terminate Guardianship filed by natural mother. Bench trial. Judgment denying petition to terminate entered September 8, 2015.

**In re Ruby Flannagan**, Case No. 13P8-PR01143 and 13P8-PR01143-01. Contested adult guardianship -- competing petitions. Bench trial. Judgment appointing base Petitioner entered July 29, 2015.

**In re Vincent King**, Case No. 10P8-PR00293-02. Contested minor guardianship -- Petition to Terminate Guardianship filed by natural father. Bench trial. Judgment denying petition to terminate entered May 20, 2015. Judgment ordering guardian to allow visitation with natural father entered May 20, 2015.

**In re Homer Ontman**, Case No. 14P9-PR00789 and 14P9-PR00789-01. Contested adult guardianship -- competing petitions. Bench trial. Judgment appointing Public Administrator guardian entered April 28, 2015.

**Estate of Burleson**, Estate No. 07P9-PR00519-04. Petition for Discovery of Assets.

Bench trial. Judgment for the estate and against Respondent entered April 3, 2015.

**In re Frankie Creasman**, Case No. 13P8-PR00462 and 13P8-PR00462-01. Contested adult guardianship -- competing petitions. Bench trial. Judgment appointing base Petitioner guardian ad litem and continuing matter for six months to consider base Petitioner's permanent appointment entered July 23, 2014. Judgment appointing base Petitioner guardian entered May 5, 2015.

17. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Circuit Judge.

As described above, I have significant experience in litigation in probate and guardianship matters as both a private practitioner and as a judicial officer.

18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.

**Eastern Jackson County Bar Association:** Member 1990--2014; Board of Directors 2004--2012; President 2011; Vice President 2010; Treasurer 2009.

**Kansas City Metropolitan Bar Association:** Member 1990--2014.

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

**Publications:**

Co-author -- Chapter 12, "Independent Administration," II Missouri Estate Administration (Mo Bar 5th ed. 2010).

**Seminar Presentations:**

February 2016	UMKC CLE	"Practical Guide to Estate Administration: Settlements and Accounting"
February 2015	KCMBA CLE	"Probate Policies and Settlements"
June 2014	UMKC CLE	"Annual Probate Update"
January 2014	UMKC CLE	"Closing the Missouri Estate"



November 2012	Mo Bar CLE	"Independent Administration"
February 2006	UMKC CLE	"Closing the Missouri Estate"
April 2005	EJCBA* CLE	"Dispensing with Administration"
May 2004	EJCBA* CLE	"Planning for Long Term Care: Medicaid/Guardianship and Durable Powers

\*Eastern Jackson County Bar Association

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

I have never held any elective office. I currently serve as the Probate Commissioner, Probate Division of the Circuit Court of Jackson County. I was appointed to that position by the Court En Banc of the Circuit Court of Jackson County. Prior to that, I served as the Deputy Probate Commissioner, Probate Division of the Circuit Court of Jackson County. I was appointed to that position by the Honorable Kathleen A. Forsyth

21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable.

It has never been my honor to serve in the military.

22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

1996 -- 2006, Member Board of Directors, Job One (formerly IBS Industries), a sheltered workshop for disabled adults, Independence, Missouri.

1993--present, Governing Elder, Faith Covenant Church, Blue Springs, Missouri.

23. List any significant honors or awards you have received that otherwise have not been covered in this application.

None

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain.

No

25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed.

No

26. Have you ever been held in contempt of court? If so, please explain.

No

27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition.

I was appointed Limited Conservator of the Estate of Zoey Belcher, a minor, Estate No. 12P9-PR01045 in the Probate Division Circuit Court of Jackson County. As Limited Conservator, I was specifically authorized by the Court to investigate and prosecute any claim the minor had arising out of the death of her parents. In that capacity, I caused a wrongful death claim to be filed. That lawsuit was filed in the Circuit Court of Jackson County at Independence on December 31, 2013 and is styled Scott Manuel, Limited Conservator of the Estate of Zoey M. Belcher v. Kansas City Chiefs Football Club, Inc., Case No. 1416-CV00033. Upon my appointment as Deputy Probate Commissioner in January 2014, I resigned as Limited Conservator and was discharged from my duties as Limited Conservator by the Probate Court. A successor Limited Conservator for the minor's estate has been appointed by the Probate Court who continues to prosecute the minor's wrongful death claim.

I was appointed Conservator of the Estate of Anton Essex, a minor, Estate No. 11P9-PR00791 in the Probate Division Circuit Court of Jackson County. In that capacity, I caused a personal injury claim for injuries suffered by the minor at birth to be filed. That lawsuit was filed in the Circuit Court of Jackson County at Kansas City on November 14, 2011 and is styled Scott Manuel as Conservator of the Estate of Anton Essex v. St. Luke's Health System, Inc. et al, Case No. 1116-CV32018. Upon my appointment as Deputy Probate Commissioner in January 2014, I resigned as Conservator and was discharged from my duties as Conservator by the Probate Court. A successor Conservator for the minor's estate was appointed by the Probate Court who prosecuted the minor's claim to its conclusion.

**First Community Bank v. Bank of Belton et al**, Case No. 06CA-CV01986, Circuit Court of Cass County. I was named a party defendant in the foregoing action in my capacity as the successor trustee of a deed of trust securing a note held by Defendant Bank of Belton. The lawsuit was filed by Plaintiff First Community Bank seeking a declaratory judgment establishing the priority of its deed of trust over that of Defendant Bank of Belton and to enjoin foreclosure proceedings under Defendant Bank of Belton's deed of trust. Summary Judgment was entered on September 19, 2008 in favor of Plaintiff First Community Bank and against Defendant Bank of Belton.

28. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? If so, please explain.

No

29. If you are or were a member of the judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? If so, explain the details of such breach and the date, nature, and duration of the discipline imposed.

No such order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against me.

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. If so, explain the details of such cause and the date and nature of the discipline imposed.

No such reprimand or admonishment has ever been entered against me for any cause.

- (c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation.

To my knowledge, I have never been the subject of any complaint investigated by the Commission on Retirement, Removal and Discipline.

31. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.

All information relevant to my qualifications to serve as a Circuit Judge has been presented in this application.

32. List the names and contact information (title, mailing address, telephone, and email address) of the **five** persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Sixteenth Judicial Circuit.

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